

# **Naples City Council**

## **August 22, 2013**

### **Minutes**

The regularly scheduled meeting of the Naples City Council was held August 22, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were LT. Michael Williams, Jim Harper, Aaron Hernandez, Cable Murray, Lucas Kay, Ashley Kay, Chris Hoem, Connie Patton, Craig Blunt and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker asked for approval of the agenda after adding an additional travel request under item ten. Dennis Long **moved** to approve the agenda with the change. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

#### ***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of the August 8, 2013 regular City Council meeting. Dan Olsen **moved** to approve the minutes. Robert Hall **seconded** the motion. The motion passed with all voting aye.

#### ***MINUTES APPROVED***

Councilman Kitchen arrived at this time and wanted to add a discussion item under 'Other Matters.'

Mayor Baker asked if there was anything to discuss or follow up on from the meeting of August 8, 2013. Nothing was brought forwards.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$25,943.57 and asked for approval to pay them. Mayor Baker asked Jim Harper if the concrete leveling was completed. Jim said it is all finished and worked well in the areas they completed. Dennis Long **moved** to approve payment of the bills in the amount of \$25,943.57. Dan Olsen

#### ***APPROVAL OF THE BILLS***

**seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license request for **Green Springs Landscape** located at 333 East 2900 South was received by the Council for their approval. Craig Blunt had not yet arrived, Nikki Kay reported that Craig reviewed and recommended approval of the license. Dennis Long **moved** to accept the application. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE  
APPROVAL***

A business license application was received from **Vernal Hay Company** located at 1378 E Hwy 40. Mayor Baker said he reviewed the information provided and said it looked like the owners were claiming to be exempt from collecting sales tax because they only sell hay they grow themselves and only to farmers. Mayor Baker said he would like to monitor the business and make sure that is the case. Councilman Kitchen said the owner of the business would be the one that would get in trouble if he were not in compliance and **moved** to approve the business license. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Lieutenant Michael Williams came to present the Community Covenant to the City of Naples. LT. Williams said it was almost a year since they met and signed the Covenant and he was there for the official presentation of it. LT. Williams said they will also be placing copies of the Covenant in Draper and at the National Guard here. Aaron Hernandez asked what the Community Covenant was. LT. Williams said it was an official declaration of support that the community is making in support of service members and their families, both past and present, from all branches of the armed forces. Mayor Baker and the Council thanked LT. Williams for coming and for all they do for our country.

***PRESENTATION OF  
COMMUNITY COVENANT***

Chris Hoem presented an amended subdivision plat for lot eleven of Brooklane Subdivision. Chris explained to the Council that any time property lines in a subdivision change, those changes have to be approved in a public meeting. Chris

***APPROVE AMENDED  
SUBDIVISION PLAT***

said this change would be creating a flag lot and the owners have complied with all the requirements to make the lot. Chris said there is plenty of space between the existing homes to have access to the new lot. Dan Olsen **moved** to approve lot B as presented in the subdivision. Robert Hall **seconded** the motion. Councilman Kitchen wanted to know if it had to be a public meeting or a public hearing. Chris said it just has to be discussed in a public meeting. With no other comments, the motion passed with all voting aye.

Chris Hoem wanted to know if the Council wanted to move this discussion to later in the meeting. Mayor Baker said he had a couple of questions. Mayor Baker referred to page two of chapter 02-14 and noted the change in approval on a flag lot from the Planning Commission to Land Use Administrator. Mayor Baker wanted to know what the difference was with the flag lot they just approved and why it had to be done in a public meeting. Chris said that was because it was a change to a subdivision and not because it was a flag lot. Mayor Baker thought any flag lot should be brought to a public meeting and not just let the Land Administrator sign off on it. Chris said he and Dale Harrison attended a County Planning meeting and said most of the agenda was taken up by the approval of flag lots and it seemed to each of them those were something that he, as the Land Use Administrator, could take care of because of the strict requirements imposed by the Land Use Ordinance. Chris said if the people requesting the flag lot have complied with all the requirements then the Planning Commission would need to tell them yes anyway. Mayor Baker said he still thought it should come before the Council. Mayor Baker wanted to know if the Council agreed. Councilman Kitchen wanted to know if someone changed something on their subdivision plat wouldn't that need to be approved. Chris said a change in a subdivision would always have to be discussed in a public meeting but if it's not in a subdivision and a person has enough ground then after following the guidelines of the Land Use Ordinance, that person would be allowed to do a flag lot. Mayor Baker pointed out that just down the road from this requested flag lot a new lot was created and he doesn't remember them coming to a public meeting. Chris said they have had numerous lot splits where the amended subdivision plat rule was not followed. Chris said they have people that have just gone to the recorder's office and split off a parcel of land without telling the City or went to a surveyor, who made them a plat, and that has been recorded without letting the City know. Mayor Baker wanted to know

***AMENDMENTS TO  
CHAPTERS 02-14  
SUPPLEMENTARY  
REGULATION, CHAPTER  
02-24 RESIDENTIAL R-1  
ZONE, CHAPTER 02-31  
SUBDIVISIONS***

why it wasn't caught by the recorder's office if it was in a subdivision. Chris said there are a lot of people that should have caught it and didn't. Chris said they are going to fix the problem and start doing it correctly. Chris said they have worked out something with the assessor's office who has agreed to send an e-mail every time a new property is created. Mayor Baker said he still thought flag lots should be approved through the Council or the Planning Commission. Chris felt the requirements were clearly defined and if people follow all the requirements the Council would still have to approve it even if they didn't like where the flag lot was. Chris said if the Council wanted to add any requirements for a flag lot they could do that.

The next item discussed was the use of the term "Land Use Authority." Mayor Baker wanted to know who the Land Use Authority is. Chris said this term is one that Dennis Judd wanted to include so, in the future, they could make a list of which matters would be handled by the City Council, Planning Commission, and Land Use Administrator. Chris said they will be defining who has the last word on certain matters. Councilman Kitchen wanted to know who the Land Use Authority would refer to. Chris said it can refer to the Planning Commission, the City Council, or himself as the Land Use Administrator and would be the entity, group, or person that has the final word on an issue. Councilman Kitchen wanted to know if it should be added before they have the list defined. Chris said it is just a preliminary step and it's not harmful to include it but they could leave it out for now if they prefer. Councilman Kitchen thought it was confusing without it being defined and suggested they leave it out for now.

Councilman Kitchen referred the Council to page thirty-one of chapter 02-31 and noted the statement that says "the Planning Commission may require an Applicant to provide ground cover when it determines that soil erosion may be a problem..." and wanted to know why it says Planning Commission and not City Council. Mayor Baker said the Planning Commission serves as an advisory Board and makes recommendations to the City Council and it looks like that is changing and being taken from the Council. Chris said this section has always read Planning Commission and the only word that was changed was "Applicant." Chris said if they want to change it to the City Council they can do that now but this is how it has read for many years. Councilman Kitchen said the Planning Commission does a lot for the

Council and they trust them but they are not elected officials. Councilman Kitchen said there should be a check and balance between what the Planning Commission recommends and what the City Council requires. Councilman Kitchen wanted to know if they are ready to make any final decisions on this or if it needs cleaned up before they do that. Councilman Reynolds said they thoroughly discussed everything in Planning Commission and if the Council has changes they want made then they need to let Chris know what those changes are. Councilman Kitchen suggested they leave out the term Land Use Authority until it is defined. He also wanted to know what the other Council members thought about the section just discussed with the Planning Commission "requiring" certain action by the Applicant. Councilman Olsen said he doesn't have a problem with it because ultimately the final decision is made by the Council. Chris said they can change it to read the City Council instead of the Planning Commission. Chris said he may still have some changes to make because it still needs some work.

Chris asked if they wanted to discuss the R-1 zone. Chris said they just added the word livestock, in connection with farm animals, to chapter 02-24 section 001. Craig Blunt asked what the definition of livestock is. Chris said the definition is not a very well set up sentence but reads as follows: Animals kept or raised for use or pleasure, farm animals kept for use or profit. Chris said they wanted to add this to the R-1 zone because they don't have definitions for farm animals and they wanted to be more specific. Chris said this will also cause the need for a change in the definitions' chapter. Mayor Baker stated the goal was to not allow livestock in an R-1 zone. Councilman Kitchen wanted to know why they refer to an RA-1 zone in the R-1 zone. Chris said it's part of the original text. Councilman Kitchen said they should clean that up also. Chris said the first part gives a person an idea, using real language, to know what the objective is. Chris said this will be a good opportunity for the Council to think about what should be included in the definition for livestock.

Ordinance 13-157. No action was taken on this matter.

Chris Hoem presented a travel request to attend the annual Utah Chapter of American Planning Association's conference. Chris stated he would be staying with family and requested \$285 for per diem and conference registration. Dennis Long **moved** to approve the request. Kenneth Reynolds **seconded** the motion. The motion passed with the following

***TRAVEL APPROVAL CITY  
PLANNER***

roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Nikki Kay requested approval to travel to Cedar City for the Utah Municipal Clerk's conference. Nikki stated she included mileage because she wasn't sure if she was taking the city car or her personal vehicle. The amount requested was \$794.55. Dan Olsen **moved** to approve the travel request. Robert Hall **seconded** the motion. The motion passed with the following vote:

Dan Olsen	Aye
Robert Hall	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Rachelle Palmer submitted a travel request to attend the fall City Prosecutor's training. The amount submitted was \$512.34. Dennis Long **moved** to approve the amount. Kenneth Reynolds **seconded** the motion. The motion passed with a roll call vote as follows:

Dan Olsen	Aye
Robert Hall	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper obtained two bids for surveys' and data preparation for correction of drainage issues at 2000 East 500 South and 1500 South 2500 East. Mayor Baker asked if they were doing this in order to engineer the needed corrections and then take the drawings to a construction company for bids. Jim said that is what they would be doing. Jim said they want to find the elevations so they can get the grade for the drainage. Councilman Olsen wanted to know if both survey bids were going to give the City the same information. Mayor Baker asked Cable Murray, who was representing one of the bidders, to explain what they would be providing to the City with this survey. Mr. Murray said their intent was to gather the survey data and generate a

***TRAVEL APPROVAL FOR  
CITY RECORDER***

***TRAVEL REQUEST FOR  
CITY PROSECUTOR***

***APPROVE ENGINEER'S  
PROPOSAL TO SURVEY  
AND PREPARE DATA FOR  
DRAINAGE CORRECTION  
AT 2000 E 500 S AND 1500 S  
2500 E***

topography map to show the City what they would be dealing with and what they would propose to correct the issue. Mr. Murray said it's not enough budget to take it to a biddable project, there would be no plans, contract documents, or specifications. Mayor Baker said it's easy to see where the areas need to be corrected and wanted to know if all they were going to get from this survey was a statement telling them the road is lower than the ditch and it needs to be raised. Mr. Murray said they would give them information, such as for the golf course corner, how far to the west of 500 South they would have to go to catch grade and how far to the south on 2000 East they would have to go to catch grade. Mr. Murray said they would be able to give information for a solution and that's where they would leave it. Mayor Baker asked Jim, if they are going to that stage in the process, is the City going to take it on and fix it or hire someone else to come in and do it? Jim said they wanted to see what they have ahead of them and know what they are looking at for construction. Councilman Hall asked Jim if they anticipated hiring someone to complete the construction. Jim said they probably would but wanted to see what the cost would be. Councilman Hall said they wouldn't have enough detail to go out to bid because that information wouldn't be provided. Mr. Murray said what they can find out from this is how much will need to be modified on 1500 South to correct the problem. Mr. Murray said 1500 South will be tough and it could show to what extent and how far the construction might have to be extended to correct the problem. Jim said the information they provide should give them a rough estimate of construction costs in order to know if the funds are available. Mayor Baker said the irrigation ditch along 1500 South has caused most of the problems. He said it looks like the junction boxes that divert the water have been dammed up and have allowed the water to run. Mayor Baker thought they might need to reconstruct the ditch in the right-of-way. Councilman Olsen wanted to know if it would help to put the ditch into a culvert. Mayor Baker said someone could still flood the road by putting in head gates. Mayor Baker thought part of the process should be to get it designed so they knew what to do. Mayor Baker wanted to know if a lack of funds was what was keeping them from doing it. Jim Harper said he just wanted to make sure they were on the right track and had information to make a decision. Craig Blunt said they just wanted to have a budget to present to the Council and from this information they should be able to come up with a good guess. Chris Hoem wanted to know if the survey was completed then would the

next step be cheaper? Mayor Baker said they would have the data and could maybe turn around and produce a construction plat. Mayor Baker wanted to know why the City was stopping short and not allowing them to get to the point where they could provide a construction plat. Councilman Olsen said it seems futile to just get this information, they might as well go all the way to construction while they are on the job. Councilman Kitchen said they might as well get to the point where they could have the construction estimate. Gordon Kitchen **moved** to get bids that include an engineer's estimate for construction. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Jim Harper requested approval to install a more secure door to the office at the City shop. The amount requested for the door was \$1,965.75. Aaron Hernandez with Ashley Valley Lock & Security was at the meeting and said the door might need a latch guard which would be an additional \$15. Dennis Long **moved** to approve the expenditure for \$1980.75. Robert Hall **seconded** the motion. The motion passed with the following vote:

Dan Olsen	Aye
Robert Hall	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt asked approval to pay Darris Lind for labor on the city office remodel. Craig said Mr. Lind still has one more day he needs to invoice the City for. Nikki Kay said the amount of \$525 was approved with the bills. No motion was made on this matter.

Craig Blunt reported on what he discovered when they checked on the potential drainage issue at 1921 South 2000 East. Craig said they discovered the storm drain vault is higher than what it should be. He said it looks like it has bulged up. Craig said he is having the developer look at it to see if it has sunk and what needs to happen to replace that. Craig said it is obvious that the cut out for the driveway needs to be replaced with high back curb. Craig said after the developer has a chance to look at things they will come back with some solutions to correct it. Mayor Baker wanted to know what the developer is saying. Craig said they are still talking about it.

***APPROVE EXPENDITURE  
FOR SECURITY DOOR AT  
CITY SHOP***

***APPROVE EXPENDITURE  
FOR LABOR ON CITY  
OFFICE REMODEL***

***UPDATE ON 1921 SOUTH  
2000 EAST DRAINAGE***



Council members received pictures of several items the road department had for surplus and also pictures of surplus office equipment. Craig discussed taking the items to ZJ Auction. Gordon Kitchen **moved** to approve taking the items to auction. Robert Hall **seconded** the motion. The motion passed with voting aye.

***APPROVAL TO SURPLUS  
ROAD DEPARTMENT AND  
OFFICE EQUIPMENT***

Council members received a copy of the City's financial statement for review. Mayor Baker asked if there were any questions or concerns. Nothing was brought forward.

***REVIEW FINANCIAL  
STATEMENTS***

Councilman Kitchen brought forth a concern with the amount of travel requests they were approving lately. He wanted to know if the Department heads could put together a plan for the year stating which training classes each member of their department would be attending and have that available for Council review. Chris Hoem wanted to know if they submit their requests and have something come up during the year can they still request to attend that. Councilman Kitchen said he could. Councilman Long wanted to know if there are annual ones that everyone attends. Mayor Baker wanted to know if the department heads could have that information available when they open the budget again. Councilman Olsen said they all have budgets set aside for travel and training. Mayor Baker wanted to know if Councilman Kitchen wanted to see a more detailed account of those budgets. Councilman Kitchen said that is what he would like to see. Nikki Kay said part of the reason the requests seem to be more at this time are many of the conferences happen in the Spring and in the Fall and they are getting the requests for the Fall conferences. Mayor Baker said he would like to see a plan for the year for everyone's travel.

***OTHER MATTERS***

Craig Blunt gave Council members the information on changing over the road side park and 2850 South street lights to LED lights. Craig reported that Rocky Mtn Power gives incentives for this type of upgrade and they would reimburse the City \$1,800 toward the replacement of the fixtures. The total cost to the City would be \$6,419.92. Craig said this was not on the agenda because he just received the information for it. Dan Olsen suggested bringing the request before the Redevelopment Board at their next meeting. No action was taken.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:00 p.m. Gordon Kitchen **seconded** the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 12<sup>th</sup> DAY OF SEPTEMBER 2013

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_